

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JAYQUAN MAURICE CLINTON
a/k/a Mexico Joke
a/k/a Joke
NASHON DIAMOND UTTERBACK
a/k/a Planez
JEROME PORTIS
a/k/a Loomey
DAQUAN JONES
HENRY PAUL

Criminal No. 21-156

[UNDER SEAL]

FILED

APR 13 2021

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Stephen R. Kaufman, Acting United States Attorney for the Western District of Pennsylvania, and Douglas C. Maloney, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A federal grand jury returned a seventeen-count Indictment against the above-named defendants for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>	<u>DEFENDANTS CHARGED</u>
1	Conspiracy to commit bank fraud. From in and around September 2016 to in and around December 2020	18 U.S.C. § 1349	ALL

2-6	Making, uttering, and possessing counterfeit and forged securities. On or about: September 8, 2017 (Count Two) July 8, 2019 (Counts Three and Four) August 30, 2019 (Counts Five and Six)	18 U.S.C. § 513(a)	CLINTON
7-9	Making, uttering, and possessing counterfeit and forged securities. On or about: October 6, 2016 (Count Seven) October 12, 2016 (Count Eight) November 22, 2016 (Count Nine)	18 U.S.C. § 513(a)	UTTERBACK
10-13	Making, uttering, and possessing counterfeit and forged securities. On or about: December 19, 2017 (Count Ten) July 9, 2019 (Counts Eleven and Twelve) October 18, 2019 (Count Thirteen)	18 U.S.C. § 513(a)	PAUL
14-15	Making, uttering, and possessing counterfeit and forged securities. On or about: October 25, 2017 (Count Fourteen) July 11, 2018 (Count Fifteen)	18 U.S.C. § 513(a)	JONES
16-17	Uttering counterfeit and forged securities. On or about: December 14, 2020 (Counts Sixteen and Seventeen)	18 U.S.C. § 513(a)	PORTIS

II. ELEMENTS OF THE OFFENSES

A. As to Count 1:

In order for the crime of conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the conspiracy, agreement, or understanding to commit violations of 18 U.S.C. § 1344, as described in the Indictment, was formed, reached, or entered into by two or more persons.

2. At some time during the existence of the conspiracy, agreement or understanding, the defendant knew the purpose of the agreement, and, with that knowledge, then deliberately joined the conspiracy, agreement or understanding.

O'Malley, Grenig and Lee, 2 Federal Jury Practice and Instructions § 31.03 (2002) (revised to exclude overt act requirement, see Whitfield v. United States, 125 S.Ct. 687, 691 (2005); United States v. Shabani, 513 U.S. 10, 16 (1994)).

B. As to Counts Two through Seventeen:

In order for the crime of making, uttering, or possessing a counterfeit and/or forged security, in violation of 18 U.S.C. § 513(a), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the instrument named in the Indictment is a "security," as defined by 18 U.S.C. § 513(c)(3).

2. That the Instrument named in the Indictment was of an organization, as defined by 18 U.S.C. § 513(c)(4).

3. That the instrument named in the Indictment was a counterfeit or forged

security, as defined in 18 U.S.C. § 513(c)(1)-(2); and

4. That the defendant made, uttered, or possessed the instrument named in the Indictment with the intent to deceive another organization.

Title 18 U.S.C. §513(a).

III. PENALTIES

A. As to Count 1: Conspiracy to Commit Bank Fraud (18 U.S.C. § 1349):

1. Imprisonment of not more than the maximum number of years prescribed for the offense which was the object of the conspiracy (18 U.S.C. § 1349), which in this case is thirty years (18 U.S.C. § 1344);

2. A fine not more than the greater of;

(a) \$1,000,000 (18 U.S.C. §§ 1344 and 1349);

or

(b) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d));

3. A term of supervised release of not more than five (5) years (18 U.S.C. § 3583);

4. Any or all of the above.

B. As to each of Counts 2 through 17: Making, Uttering, or Possessing a Counterfeit or Forged Security (18 U.S.C. § 513(a)):

1. Individuals - The maximum penalties for individuals are:

(a) imprisonment of not more than 10 years (18 U.S.C. § 513(a);

(b) a fine not more than the greater of;

(1) \$250,000 (18 U.S.C. § 3571(b)(3));

or

(2) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d));

(c) a term of supervised release of not more than three (3) years (18 U.S.C. § 3583);

(d) Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Restitution may be required in this case as to Counts One through Seventeen, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

STEPHEN R. KAUFMAN
Acting United States Attorney

/s/ Douglas C. Maloney
DOUGLAS C. MALONEY
Assistant U.S. Attorney
PA ID No. 314082